

Chapter 11

MOTOR VEHICLES AND TRAFFIC

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ARTICLE I.

IN GENERAL

Sec. 11-1. Adoption of state law.

Pursuant to the authority of section 46.2-1313 and section 1-13.39:2 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the commonwealth contained in title 46.2 and article 2, (section 18.2-266 et seq.) of chapter 7, of title 18.2 of the Code of Virginia, as amended, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which by their very nature can have no application to or within the county are hereby adopted and incorporated in this chapter by reference and made applicable within the county. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the highways and other public ways within the county. Such provisions and requirements are hereby adopted, *mutatis mutandis*, and made a part of this chapter as fully as though set forth at length herein; and it shall be unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision of title 46.2 or of article 2, of chapter 7, of title 18.2 of the Code of Virginia, which is adopted by this section; provided, that in no event shall the penalty imposed or the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under title 46.1 or of article 2, of chapter 7, of title 18.2 of the Code of Virginia. This adoption of the provisions of title 46.2 and article 2, chapter 7, of title 18.2 of the Code of

Virginia shall include all future amendments of such provisions by the Commonwealth of Virginia; provided, however, that any resulting amendment to the Rockingham County Code shall not become effective until the effective date of the applicable state law.

(6-21-72, § 2, amended by recodification 1988 and 1989; P.C. Ord. No. 5-89, 9-13-89; P.C. Ord. No. 8-89, 12-13-89; P.C. Ord. No. 1-90, 2-14-90; P.C. Ord. No. 12-91, 8-14-91; P.C. Ord. No. 13-92, 7-22-92; P.C. Ord. No. 5-93, 6-9-93; P.C. Ord. No. 94-13, 6-22-94; P.C. Ord. No. 95-11, 6-14-95; P.C. Ord. No. 96-10, 6-12-96)

Sec. 11-2. Applicability of chapter within incorporated towns.

The provisions of this chapter shall not be applicable within the corporate limits of any incorporated town in the county.

(6-21-72, § 3)

Sec. 11-3. Parking regulations--County-owned or -leased property.

(a) All of the statutes and ordinances, and regulations made pursuant thereto, contained in or incorporated by reference into this chapter shall apply to vehicles entering, exiting or parking on county-owned or -leased property, as well as in other areas of the county. In order to implement the regulation of vehicles on any such county-owned or -leased property, the county administrator will designate, by painted lines or signs, or both, the places vehicles are permitted to enter and exit and the areas and time, place and manner which such vehicles shall be allowed to park. Such lines and signs to be drawn and erected under the supervision of the county administrator shall be appropriate so that an ordinarily observant person, who may be affected by any statute, ordinance or regulation, will be aware of any restriction.

(b) No person shall park a motor vehicle or permit it to stand, whether attended or unattended, in any county-owned or county-leased parking lot unless done so in conformity with the provisions of this chapter, for the purpose of conducting official business with the county at that time.

(c) When any markers have been drawn or signs erected as required by this section, it shall be unlawful for any person to violate any such ordinances or regulations.

(6-21-82, § 4; amended for recodification, 1987; P.C. Ord. No. 2-92, 4-22-92)

Sec. 11-4. Display--State license plates.

It shall be unlawful for any person to operate, or for the owner or person in control thereof to knowingly permit the operation of, upon a highway of the county, any motor vehicle, trailer or semitrailer without having displayed thereon the license plate or plates assigned thereto by the state division of motor vehicles for the current registration year, whenever such license plate or plates are required by state law.

(6-12-71, § 27)

Sec. 11-5. Same--State inspection sticker.

Except as otherwise expressly provided by state law, it shall be unlawful for any person to operate or cause or permit the operation of a motor vehicle, trailer or semitrailer upon the highways of this county, unless there is properly displayed thereon a valid state inspection sticker showing that such vehicle or semitrailer has been inspected and approved under the provisions of sections 46.1-315 to 46.1-326.1 of the Code of Virginia.

(6-21-72, § 28)

Sec. 11-6. Removal and disposition of vehicles involved in accidents.

Whenever a motor vehicle, trailer or semitrailer involved in an accident is found upon a highway in the county and is so located as to impede the orderly flow of traffic, the police may at no cost to the owner or operator remove such motor vehicle, trailer or semitrailer from the highway to some point in the vicinity where such motor vehicle, trailer or semitrailer will not impede the flow of traffic.

(6-21-72, § 29)

Sec. 11-7. Injuring, tampering or interfering with vehicles.

(a) No person shall individually or in association with one or more others willfully break, injure, tamper with or remove any part of any motor vehicle, trailer or semitrailer for the purpose of injuring, defacing or destroying such motor vehicle, trailer or semitrailer or temporarily or permanently preventing its useful operation, or for any purpose, against the will or without the consent of the owner of such motor trailer, trailer or semitrailer, nor shall any person in any other manner willfully or maliciously interfere with or prevent the running or operation of such motor vehicle, trailer or semitrailer.

(b) No person shall, without the consent of the owner or person in charge of a motor vehicle, trailer or semitrailer, climb into or upon such motor vehicle, trailer or semitrailer with intent to commit any crime, malicious mischief or injury thereto; or, while a motor vehicle, trailer or semitrailer is at rest and unattended, shall attempt to manipulate any of the levers or starting crank or other device, brakes or mechanism thereof or to set such motor vehicle, trailer or semitrailer in motion; except, that the foregoing provision shall not apply when any such act is done in an emergency or in furtherance of public safety or by or under the direction of an officer in the regulation of traffic or the performance of any other official duty.

(6-21-72, § 6)

Sec. 11-8. Reserved.

Editors Note: P.C. Ord. No. 01-14, adopted Aug. 22, 2001, repealed section 11-8 in its entirety. Former section 11-8 pertained to authority of fire-fighting officials to direct traffic, etc, and derived from P.C. Ord. of June 21, 1972, § 5; amended for recodification, 1987.

Sec. 11-9. Washing or greasing vehicle upon highway or sidewalk prohibited.

No person shall, for compensation, wash, polish or grease a vehicle upon a highway or sidewalk, nor shall the owner of a vehicle permit it to be washed, polished or greased, for compensation, upon a highway or sidewalk.

(6-21-72, § 7)

Sec. 11-10. Putting glass, etc., on highway prohibited.

No person shall throw or deposit or cause to be deposited upon any highway any glass bottle, glass, nail, tack, wire, can or any other substance likely to injure any person or animal or damage any vehicle upon such highway, nor shall any person throw or deposit or cause to be deposited upon any highway any soil, sand, mud, gravel or other substances so as to create a hazard to the traveling public. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive, hazardous or injurious material shall immediately

remove the same or cause it to be removed. Any person removing a wrecked or a damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. (6-21-72, § 13)

Sec. 11-11. Solicitation of employment or business by pedestrians prohibited.

No person shall stand in the vehicular traveled portion of any highway or road for the purpose of soliciting employment or business from the occupant of any vehicle. (6-21-72, § 30; amended for recodification, 1987)

Sec. 11-12. Boarding or alighting from moving vehicles.

No person shall board or alight from any vehicle while such vehicle is in motion. (6-21-72, § 10)

Sec. 11-13. Unlawful riding.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise. (6-21-72, § 11)

Sec. 11-14. Violations; penalties; compliance with chapter.

(a) It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this chapter or any rule or regulation promulgated pursuant thereto; and such violation shall constitute a traffic infraction.

(b) Every person convicted of a traffic infraction by reason of a violation of any of the provisions of this chapter, or rule or regulation promulgated pursuant thereto, for which no other penalty is provided, shall, for the first infraction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00); for the second such infraction within one (1) year such person shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00); and for a third or any number of consecutive infractions within one (1) year such person shall be fined not less than seventy-five dollars (\$75.00) nor more than five hundred dollars (\$500.00) for each such subsequent infraction. (6-21-72, § 31; amended for recodification, 1987; P.C. Ord. No. 2-92, 4-22-92)

ARTICLE II.

OPERATION GENERALLY

Sec. 11-15. Identification of vehicles in funeral processions.

All motor vehicles participating in a funeral procession, when proceeding to any place of burial, shall display illuminated head lamps thereon and such other identification as the county sheriff may prescribe. (6-21-72, § 8)

Sec. 11-16. Driving through funeral or other processions; manner of driving in funeral processions.

(a) No operator of a vehicle shall drive between the vehicles, persons or animals comprising a funeral or other authorized procession, except when otherwise directed by a police officer. This provision shall not apply to authorized emergency vehicles as defined in this chapter.

(b) Each driver in a funeral procession shall drive as near to the right-hand edge of the roadway as is practicable and shall follow the vehicle ahead as closely as is practicable and safe.
(6-21-72, § 9)

Sec. 11-17. Unnecessary noise.

(a) No vehicle shall be loaded with materials likely to create loud noises by striking together, without using every reasonable effort to deaden the noise.

(b) The use in, upon or attached to any motor vehicle operating on any highway of the county of any radio, phonograph, musical instrument, bell, whistle, loudspeaker, amplifier or device of any kind whatsoever whereby sound therefrom is cast upon any highway to promote or advertise the sale of goods, wares or merchandise, or for the purpose of advertising auction sales, sporting events or other businesses or things advertised thereby, is prohibited. The provisions of this subsection shall not apply to motor vehicles driven in a duly authorized parade. The use of a loudspeaker on a motor vehicle for making auction sales in highways directly in front of the property then being sold, and entirely outside of the business districts of the county, shall not be construed as a violation of this subsection when such use is limited strictly to the selling at auction of such property.

(c) It shall be unlawful for any person in operating a motor vehicle or motorcycle within the county to create in the operation thereof any unreasonably loud, disturbing or unnecessary noise.

(d) In operating a motor vehicle or motorcycle, the following acts, among others, are declared to create loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive, namely:

- (1) The use of a motor vehicle or motorcycle so out of repair as to cause thereby loud and unnecessary grating, grinding, rattling or any of such noises, or any other unnecessary noise.
- (2) The practice of unnecessarily racing the motor of a motor vehicle or motorcycle while standing or moving thereby causing unnecessary noise from such motor.
- (3) The practice of unnecessarily retarding the spark to the motor of a motorcycle and thereby causing unnecessary, loud and explosive noise from the motor.
- (4) In starting a motor vehicle or motorcycle from a standing position, the practice of gaining speed unnecessarily quickly and thereby causing unnecessary and loud noise from the motor and the screeching of tires, or either of such noises.

(5) The practice of coming to an unreasonably quick stop with a motor vehicle or motorcycle and thereby causing unnecessary grinding of brakes and screeching of tires or either of such noises.
(6-21-72, § 12)

Sec. 11-18. Tailgates on vehicles.

It shall be unlawful for the operator of any truck, trailer or other vehicle equipped with a tailgate to lower or open the tailgate thereon, or to suffer or permit such tailgate to be lowered or opened, except during the time the vehicle is being loaded or unloaded, and except during the time the load on the vehicle necessitates a lowered or opened tailgate as a support for the load. It shall be the duty of the operator of any such vehicle to see that the tailgate on such vehicle is kept closed or raised, except during the times hereinbefore specified. Any person who shall violate the provisions of this section shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00) for each offense.
(6-21-72, § 14)

Sec. 11-19. Riding bicycle without using handlebars.

No person shall ride a bicycle upon any highway in the county without having his hands upon the handlebars.
(6-21-72, § 15)

Sec. 11-20. Railroad cars obstructing highway; standing vehicle on railroad track.

It shall be unlawful for any railroad company, or any receiver or trustee operating a railroad, to obstruct for a longer period than five (5) minutes the free passage on any highway or road by standing cars or trains across the same, except a passenger train while receiving or discharging passengers, but a passway shall be kept open to allow normal flow of traffic; nor shall it be lawful to stand any wagon or other vehicle on the track of any railroad which will hinder or endanger a moving train; provided, that when a train has been uncoupled, so as to make a passway, the time necessarily required, not exceeding three (3) minutes, to pump up the air after the train has been recoupled shall not be included in considering the time such cars or trains were standing across such highway or road. Any such railroad company, receiver or trustee, or driver of any such wagon or vehicle, violating any of the provisions of this section shall be fined not less than five (5) nor more than twenty dollars (\$20.00).
(6-21-72, § 16)

Sec. 11-21. Backing.

The operator of a vehicle in the county shall not back such vehicle unless such movement can be made with safety without interfering with other traffic.
(6-21-72, § 17)

Sec. 11-22. Blocking of intersections.

No operator of a vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space beyond such intersection or crosswalk in the direction in which such vehicle is proceeding to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control

signal indication to proceed.
(6-21-72, § 18)

ARTICLE III.

STOPPING, STANDING AND PARKING

Sec. 11-23. Parking vehicle without state license on highway.

It shall be unlawful for any person to park on any highway of the county any vehicle required to be licensed under the provisions of title 46.1 of the Code of Virginia and having no such license.
(6-21-72, § 32; amended for recodification, 1987)

Sec. 11-24. Parking for commercial purposes.

(a) It shall be unlawful for any person to park any automobile, truck or other automotive equipment on or alongside any road, highway or street of the county or of the state in the county, when such person is parking any such automobile, truck or automotive equipment in pursuance of any commercial purpose.

(b) The provisions of this section shall not apply to motor vehicle carriers when picking up or discharging passengers.
(6-21-72, § 33)

Sec. 11-25. Parking on private property.

No person shall stand or park a vehicle on any private lot or lot area without the express or implied consent of the owner thereof. Whenever signs or markings have been erected on any lot or lot area, contiguous or adjacent to a highway, thoroughfare or alley, indicating that no vehicles are permitted to stand or park thereon, it shall be unlawful for any person to drive a vehicle across any curb or lot line or over any driveway from a highway or alley into such lot or area for the purpose of standing or parking such vehicle, or for any person to stop, stand or park any vehicle in such lot or area.
(6-21-72, § 37; 6-12-78)

Sec. 11-25.1. Parking within designated lines.

No person shall park a motor vehicle or permit it to stand, whether attended or unattended, in an area of a public parking lot designed to accommodate fifty (50) or more vehicles, except within the lines designating parking spaces.
(6-12-78)

Sec. 11-25.2. Parking for disabled persons.

It shall be unlawful for a vehicle not displaying disabled parking license plates, an organizational removable windshield placard, a permanent removable windshield placard, or a temporary removable windshield placard issued under section 46.2-731, or DV disabled parking license plates issued under subsection B of section 46.2-739, or any amendments or successor provisions to such code sections, to be

parked in a parking space reserved for persons with disabilities that limit or impair their ability to walk or for a person who is not limited or impaired in his ability to walk to park a vehicle in a parking space so designated except when transporting a person with such a disability in the vehicle; and any violation thereof shall require the assessment of a fine of no more than two hundred fifty dollars (\$250.00) for each violation, which fine shall be retained by the county. Proof that the vehicle described in the summons or parking ticket was parked in violation of this section, together with proof that the defendant was at the time the registered owner, shall constitute a prima facie presumption that the registered owner of the vehicle was the person who committed the violation. Any summons or parking ticket for any violation under this section may be issued by law-enforcement officers and other uniformed personnel employed by the county to enforce parking regulations, without necessity of a warrant being obtained by the owner of any private parking area. All such placards shall be displayed in accordance with the laws of the Commonwealth. Any of the aforesaid plates or placards issued by other states or countries for the purpose of identifying vehicles permitted to use parking spaces reserved for persons with disabilities that limit or impair their ability to walk shall be accorded all rights and privileges accorded vehicles displaying such devices in Virginia.

(P.C. Ord. No. 96-19, § 1, 12-18-96)

Editors Note: P.C. Ord. No. 96-19, § 1, adopted December 18, 1996, amended the Code by repealing former § 11-25.2 and adding a new § 11-25.2. Former § 11-25.2 pertained to parking in certain restricted areas, and derived from an ordinance of June 12, 1978, and P.C. Ord. No. 78-F, adopted November 9, 1978.

Sec. 11-25.3. Double parking.

No person shall double park a vehicle on any public highway, street or alley or in any parking lot open to the public designed to accommodate fifty (50) or more vehicles.

(6-12-78)

Sec. 11-25.4. Penalties for violations of sections 11-25.1 or 11-25.3.

Any person violating any provisions of sections 11-25.1 or 11-25.3 of this article shall be fined as follows:

(a) Three dollars (\$3.00) if paid within forty-eight (48) hours at the county sheriff's department or at any curb box furnished by the county and designated as a depository for parking fines.

(b) Five dollars (\$5.00) if paid within seventy-two (72) hours at the county sheriff's department or at any curb box furnished by the county and designated as a depository for parking fines.

(c) If not paid within seventy-two (72) hours, a misdemeanor summons will be issued, upon which a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) may be assessed.

(6-12-78; P.C. Ord. No. 96-19, § 2, 12-18-96)

Sec. 11-25.5. Reserved.

Editors Note: P.C. Ord. No. 01-14, adopted Aug. 22, 2001, repealed section 11-25.5 in its entirety. Former section 11-25.5 pertained to parking near fire hydrant, and derived from P.C. Ord. of June 12, 1978; and P.C. Ord. No. 2-92, adopted April 22, 1992.

Sec. 11-25.6. Parking within restricted areas.

No person shall park a motor vehicle or permit it to stand, whether attended or unattended, in any area

designated to accommodate fifty (50) or more vehicles, designated as a "loading zone," "no parking zone," or in any area designated for the exclusive use of public transportation vehicles.

(6-12-78; P.C. Ord. No. 78-F, 11-9-78; P.C. Ord. No. 96-19, § 3, 12-18-96; P.C. Ord. No. 01-14, 8-22-01)

Sec. 11-25.7. Blocking highways, streets, etc.

No person shall park a vehicle or permit it to stand, whether attended or unattended, on any public highway, street or alley or in any area of a public parking lot designed to accommodate fifty (50) or more vehicles, so as to block a public highway, street, alley or private driveway.

(6-12-78)

Sec. 11-25.8. Penalties for violations of sections 11-25.5 to 11-25.7.

Any person violating any provision of sections 11-25.5 to 11-25.7 of this article shall be fined as follows:

(a) Five dollars (\$5.00) if paid within forty-eight (48) hours at the county sheriff's department or at a curb box furnished by the county and designated as a depository for parking fines.

(b) Ten dollars (\$10.00) if paid within seventy-two (72) hours at the county sheriff's department or at a curb box furnished by the county and designated as a depository for parking fines.

(c) If not paid within seventy-two (72) hours, a misdemeanor summons will be issued, upon which a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) may be assessed.

(6-12-78)

Sec. 11-25.9. Speeding on certain parking lots.

No person shall drive any motor vehicle in any parking lot open to the public designated to accommodate fifty (50) or more vehicles at a speed in excess of fifteen (15) miles per hour. Posting of speed limit signs shall be at the expense of the property owner. Any person violating this section shall be issued a misdemeanor summons, upon which a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) may be assessed.

(P.C. Ord. No. 78-F, 11-9-78)

Sec. 11-26. Presumption as to guilt of owner of violating vehicle.

In any enforcement of a violation of any parking regulation contained in this chapter, proof that the vehicle described in the complaint, summons or warrant, was parked in violation of such ordinance or regulation, together with proof that the offender was at the time of such parking the registered owner of the vehicle according to the division of motor vehicles records, or any other such record-keeping state agency, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

(6-21-72, § 39; P.C. Ord. No. 2-92, 4-22-92)

ARTICLE IV.

UNATTENDED VEHICLES

Sec. 11-27. Removal and disposition of unattended vehicles generally.

(a) Whenever any motor vehicle, trailer or semitrailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic or is parked in such manner as to be in violation of law or whenever any motor vehicle, trailer or semitrailer is left unattended for more than ten (10) days upon any public property or privately owned property other than the property of the owner of such motor vehicle, trailer or semitrailer, within the county or is abandoned upon such public property or privately owned property, without the permission of the owner, lessee or occupant thereof, or whenever any motor vehicle, trailer or semitrailer is stalled or rendered immobile as the result of adverse weather conditions or other emergency situations on any public roadway, any such motor vehicle, trailer or semitrailer may be removed for safekeeping by or under the direction of a police officer to a storage garage or area; however, no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee, or occupant thereof. The person at whose request such motor vehicle, trailer, or semitrailer is removed from privately owned property shall indemnify the county against any loss or expense incurred by reason of removal, storage or sale thereof. It shall be presumed that such motor vehicle, trailer or semitrailer, or part thereof, is abandoned if (1) it lacks either: (a) a current license plate, or (b) a current county, city or town, plate or sticker, or (c) a valid state inspection certificate or sticker and (2) it has been in a specific location for four (4) days without being moved. Each removal shall be reported immediately to the sheriff's office, and notice hereof given to the owner of the motor vehicle, trailer or semitrailer as promptly as possible.

(b) The owner of such vehicle or trailer or semitrailer, before obtaining possession thereof, shall pay to the parties entitled thereto all reasonable costs incidental to the removal, storage and locating the owner of the motor vehicle, trailer or semitrailer. Should such owner fail or refuse to pay the cost or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made, and after notice to him as his last known address and to the holder of any lien of record in the office of the Department of Motor Vehicles in Virginia against the motor vehicle, trailer or semitrailer, the sheriff may after holding the motor vehicle, trailer or semitrailer thirty (30) days and after due notice of sale dispose of the same at public sale and the proceeds from the sale shall be forwarded by the selling officer to the treasurer of the county: provided that if the value of such motor vehicle, trailer or semitrailer be determined by three (3) disinterested dealers or garagemen to be less than one hundred fifty dollars (\$150.00) it may be disposed of by private sale or junked. The treasurer shall pay from the proceeds of sale the cost of removal, storage, investigation as to ownership and liens and notice of sale, and the balance of such funds shall be held by him for the owner and paid to the owner upon satisfactory proof of ownership.

(c) If no claim has been made by the owner for the proceeds of such sale, the remaining funds may be deposited to the general fund or any special fund or the county. Any such owner shall be entitled to apply to the county within three (3) years from the date of such sale and if timely application is made therefor, the county shall pay the same to the owner without interest or other charges. No claim shall be made nor shall any suit, action or proceedings be instituted for the recovery of such funds after three (3) years from the date of such sale. This section shall not operate to deprive any person of other remedies available under law to obtain payment from the owner of unattended, abandoned or immobile vehicles for towing, storage or other services rendered.

(Amended for recodification 1987)

Sec. 11-28. Contracts with private persons for removal, etc., of vehicles under section 11-27.

The county sheriff shall have the power to enter into contracts with the owner or operator of garages or places for the removal or storage of vehicles referred to in the preceding section. The contracts shall provide for the payment by the county of reasonable charges for the removal and storage of such vehicles, shall require such owners or operators to deliver such vehicles to the owners thereof or their agents upon demand therefor upon furnishing satisfactory evidence of identity and ownership or agency and upon payment of such removal and storage charges, and that the owners or operators of such garages or places of storage will indemnify the owners of such vehicles for injury or damage thereto resulting from the negligent removal or storage thereof, and such owners or operators shall be required to provide themselves with adequate liability insurance to cover such indemnity.
(6-21-72, § 35)

Sec. 11-29. Leaving vehicles upon private property prohibited; removal and disposition of illegally parked vehicles or parts of vehicles.

(a) It shall be unlawful for any person to leave any motor vehicle, trailer, semitrailer or part thereof on the private property of any other person without his consent.

(b) Upon complaint of the owner of the property on which such motor vehicle, trailer or semitrailer, or part thereof, has been abandoned for more than seventy-two (72) hours, such motor vehicle, trailer or semitrailer, or part thereof, may be removed by or under the direction of a police officer to a storage garage or area; provided, that the person at whose request such motor vehicle, trailer or semitrailer, or part thereof, is so removed shall indemnify the county against any loss or expense incurred by reason of removal, storage or sale thereof.

(c) In the case of the removal of a motor vehicle, trailer or semitrailer, or part thereof, from private property, when the same cannot be readily sold, such motor vehicle, trailer or semitrailer, or part thereof, may be disposed of in such manner as the board of supervisors may provided.

(d) In all other respects, the provisions of section 11-27 shall apply to such removals; provided, that disposal of a motor vehicle, trailer or semitrailer may at the option of the board of supervisors be carried out under either the provisions of section 11-27 or under the provisions of this section, after a diligent search for the owner, after notice to him at his last known address and to the holder of any lien of record in the office of the division of motor vehicles of the state against such motor vehicle, trailer or semitrailer, and after the motor vehicle, trailer or semitrailer has been held at least sixty (60) days.

(e) The division of motor vehicles shall be notified of the disposition of any motor vehicle, trailer or semitrailer under section 11-27 or this section.
(6-21-72, § 38; amended for recodification, 1987)

Sec. 11-30. Sale of personal property found in unattended, etc., vehicle.

Any personal property found in any unattended or abandoned motor vehicle, trailer or semitrailer may be sold incidentally to the sale of any such vehicle as authorized in section 11-27.

(6-21-72)

Sec. 11-30.1. Penalties.

Any person violating the provisions of this article shall, upon conviction, be fined not more than fifty dollars (\$50.00).

ARTICLE V.

ABANDONED VEHICLES

Sec. 11-31. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Abandoned motor vehicle. A motor vehicle, trailer or semitrailer or part thereof that:

- (1) Is inoperable and is left unattended on public property for more than forty-eight (48) hours, or
- (2) Has remained illegally on public property for more than forty-eight (48) hours, or
- (3) Has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours.

Demolisher. Any person whose business is to convert a motor vehicle, trailer or semitrailer into processed scrap or scrap metal or otherwise to wreck or dismantle such vehicles.

Division. The state division of motor vehicles.

Inoperable motor vehicle. Any vehicle which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power and which is economically impractical to make operable.
(5-14-73, § 1)

Sec. 11-32. Authority of county to take abandoned vehicles into custody; indemnification by person requesting removal.

(a) The county may take into custody any abandoned motor vehicle. In such connection, the county may employ its own personnel, equipment and facilities or hire persons, equipment and facilities or firms or corporations who may be independent contractors for the purpose of removing, preserving and storing abandoned motor vehicles.

(b) Any person at whose request such motor vehicle, trailer or semitrailer is removed by the county from privately owned property shall indemnify and save harmless the county against any loss or expense incurred by reason of removal, storage or sale thereof.
(5-14-73, § 2)

Sec. 11-33. Notice to owner of vehicle taken into custody.

(a) The county, when it takes into custody an abandoned motor vehicle under the provisions of this article, shall notify, within fifteen (15) days thereof, by registered or certified mail, return receipt requested, the owner of record of such motor vehicle and all persons having security interests therein of record, that the vehicle has been taken into custody. The notice shall describe the year, make, model and serial number of the abandoned motor vehicle, set forth the location of the facility where the motor vehicle is being held, inform the owner and any persons having security interests of their right to reclaim the motor vehicle within three (3) weeks after the date of the notice, upon payment of all towing, preservation and storage charges resulting from placing the vehicle in custody, and state that the failure of the owner or persons having security interests to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner, and all persons having any security interests, of all right, title and interest in the vehicle, and consent to the sale of the abandoned motor vehicle at a public auction.

(b) If records of the division contain no address for the owner or no address of any person shown by such records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, notice by publication once in a newspaper of general circulation in the area where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice pursuant to this article as to any person who cannot be notified pursuant to the provisions of subsection (a) of this section. Such notice by publication may contain multiple listings of abandoned motor vehicles. Any such notice shall be within the time requirements prescribed for notice by mail and shall have the same contents required for a notice by mail.

(c) The consequences and the fact of failure to reclaim an abandoned motor vehicle shall be as set forth in a notice given in accordance with and pursuant to this section.

(5-14-73, § 3)

Sec. 11-34. Sale of vehicle at public auction; disposition of proceeds.

(a) If an abandoned motor vehicle has not been reclaimed as provided for in section 11-33, the county, or its authorized agent, shall, notwithstanding the provisions of section 46.1-88 of the Code of Virginia, sell the abandoned motor vehicle at public auction. The purchaser of the motor vehicle shall take title to the motor vehicle free and clear of all liens and claims of ownership of others, shall receive a sales receipt at the auction and shall be entitled to, upon application therefor, pursuant to section 46.1-68 of the Code of Virginia, a certificate of title and registration card therefor. The sales receipt at such a sale shall be sufficient title only for the purposes of transferring the vehicle to a demolisher for demolition, wrecking or dismantling, and, in such case, no further titling of the vehicle shall be necessary.

(b) From the proceeds of the sale of an abandoned motor vehicle, the county, or its authorized agent, shall reimburse itself for the expenses of the auction, the cost of towing, preserving and storing the vehicle which resulted from placing the abandoned motor vehicle in custody, and all notice and publication costs incurred pursuant to section 11-33. Any remainder from the proceeds of a sale under the provisions of this article shall be held for the owner of the abandoned motor vehicle or any person having security interests therein, as their interests may appear, for ninety (90) days, and then shall be deposited into the treasury of the county.

(5-14-73, § 4)

Sec. 11-35. Vehicles abandoned in garages; "garage keeper" defined.

(a) Any motor vehicle, trailer, semitrailer or part thereof left for more than ten (10) days in a garage operated for commercial purposes after notice by registered or certified mail, return receipt requested, to the owner to pick up the vehicle, or for more than ten (10) days after the period when, pursuant to contract, the vehicle was to remain on the premises, shall be deemed an abandoned motor vehicle, and may be reported by the garage keeper to the county.

(b) All abandoned motor vehicles left in garages may be taken into custody by the county in accordance with section 11-32 and shall be subject to the notice and sale provisions contained in sections 11-33 and 11-34; provided, that if such vehicle is reclaimed in accordance with section 11-33, the person reclaiming such vehicle shall, in addition to the other charges required to be paid, pay the charges of the garage keeper, if any; provided further, that if such vehicle is sold pursuant to section 11-33, the garage keeper's charges, if any, shall be paid from, and to the extent of, the excess of the proceeds of sale after paying the expenses of the auction, the costs of towing, preserving and storing such vehicle which resulted from placing such vehicle in custody and all notice and publication costs incurred pursuant to section 11-33.

(c) Except as otherwise provided in this article, nothing herein shall be construed to limit or restrict any rights conferred upon any person under sections 43-32 through 43-36 of the Code of Virginia.

(d) For the purposes of this section "*garage keeper*" shall mean any operator of a parking place, motor vehicle storage facility or establishment for the servicing, repair or maintenance of motor vehicles.
(5-14-73, § 5)

Sec. 11-36. Disposition of inoperable abandoned vehicles.

Notwithstanding any other provisions of this article or the provisions of section 46.1-88 of the Code of Virginia, when in the opinion of the county official designated by the board of supervisors to have duties which include the disposal of abandoned vehicles, any motor vehicle, trailer, semitrailer or part thereof which is inoperable and which, by virtue of its condition, cannot be feasibly restored to operable condition, may be disposed of to a demolisher, without the title or without the notification procedures, by the person or the county on whose property or in whose possession such motor vehicle, trailer or semitrailer is found. The demolisher, upon taking custody of such motor vehicle, trailer or semitrailer, shall notify the division on the forms and in such manner prescribed by the commissioner, and notwithstanding any other provision of law, no other report or notice shall be required in such instance.
(5-14-73, § 6)

Sec. 11-37. Surrender of certificate of title, etc., when motor vehicle acquired for demolition; records to be kept by demolisher.

(a) Any demolisher who purchases or otherwise acquires a motor vehicle for purposes of wrecking, dismantling or demolition shall not be required to obtain a certificate of title for such motor vehicle in his own name. After the motor vehicle has been demolished, processed or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender to the division for cancellation the certificate of title or sales

receipt therefor, if any.

(b) A demolisher shall keep such record and make such reports as are required by the division.
(5-14-73, § 7)

ARTICLE VI.

COUNTY VEHICLE LICENSES

Sec. 11-38. Definitions.

The terms "vehicle," "trailer" and "semitrailer" as used in this article shall be defined as in Title 46.2 of the Code of Virginia.
(2-5-75, § 1)

Sec. 11-39. Annual license--Required.

The owner of every motor vehicle, trailer or semitrailer for which a state license plate is required and which is normally garaged, stored, or parked within the county, shall, on or before the day of April fifteenth of each year, or before he shall commence to operate the motor vehicle, trailer or semitrailer in the county, obtain a county motor vehicle license to operate the same.
(2-5-75, § 2; P.C. Ord. No. 7-89, 9-13-89; P.C. Ord. No. 94-6, 4-13-94)

Sec. 11-40. Same--License tax imposed; when and to whom tax payable; amount of tax on specified vehicles.

There is hereby levied, assessed and charged on the following described vehicles an annual license tax, payable to the treasurer annually on or before April fifteenth as follows:

- (1) Upon each motorcycle, seven dollars and fifty cents (\$7.50).
- (2) Upon each trailer or semitrailer defined in Virginia Code Section 46.2-100 and having a registered gross weight of one thousand five hundred (1,500) pounds or less, six dollars and fifty cents (\$6.50).
- (3) Upon each trailer or semitrailer defined in Virginia Code Section 46.2-100 and having a registered gross weight over one thousand five hundred (1,500) pounds, fifteen dollars (\$15.00).
- (4) Upon each trailer or semitrailer described in paragraphs (b) and (c) above for which a permanent registration fee has been paid to the Virginia Department of Motor Vehicles, the owner or person in possession of such trailer or semitrailer may pay a permanent license tax of fifty dollars (\$50.00).
- (5) Upon each motor vehicle, twenty dollars (\$20.00).
- (6) Upon each antique motor vehicle as defined in Virginia Code Section 46.2-100, five dollars

(\$5.00).

- (7) No license tax imposed under this section shall exceed the state registration fees imposed under Article 7, Chapter 6 of Title 46.2 of the Virginia Code, and provided, further, that any vehicle which is exempt from the payment of the state registration fee in accordance with Virginia Code Section 46.2-739, shall likewise be exempt under this section.
- (8) One (1) motor vehicle license shall be provided at no charge by the county to each active volunteer fire company or rescue squad member who completes, and has been certified by the chief line officer of their volunteer organization, the applicable license or certificate of registration and submits such to the treasurer of the county.

(P.C. Ord. No. 80-5, 7-14-80; P.C. Ord. No. 8-87, 6-10-87; P.C. Ord. No. 1-88, 3-23-88; P.C. Ord. No. 10-88, 12-14-88; P.C. Ord. No. 1-91, § 1, 2-13-91; P.C. Ord. No. 00-5, 3-22-00; P.C. Ord. No. 03-10, 12-17-03)

Sec. 11-41. Same--Where to obtain license; issuance of decal.

The owner or person in possession of such motor vehicle, trailer or semitrailer shall obtain a motor vehicle license from the county treasurer who shall issue such motor vehicle license and a decal upon receipt from the applicant of the license tax imposed by this article.

(2-5-75, § 4)

Sec. 11-42. License specifications; certain county officers to be notified.

The treasurer shall issue to the applicant a license, or certificate of registration marked "paid," containing the following information: Name of the treasurer; year; name of applicant; address; make, model and style of vehicle; state license number; year of manufacture; amount of license tax; license decal number; whether or not the applicant resided in the county and owned the vehicle on January first of the calendar year in which the application is made; and the date of the certificate. The applicant or his representative shall verify by his signature that such information is true and correct. Three (3) copies of the license or certificate of registration shall be issued as follows: The original to applicant; the first copy to the commissioner of the revenue; second copy to the treasurer. The license or certificate of registration for the five dollar (\$5.00) license credit provided in section 11-40(f) shall be submitted in addition to the license required in this section.

(2-5-75, § 5; P.C. Ord. No. 1-91, § 2, 2-13-91)

Sec. 11-43. Decal specifications.

The decals shall be numbered consecutively from one (1) upward, and shall contain the following information: Year, County of Rockingham, Virginia, and expiration date. Its color and design shall be specified annually by the purchasing agent.

(2-5-75, § 6; amended for recodification, 1987)

Sec. 11-44. Display of decal required.

Decals issued pursuant to this article shall be attached or affixed to the inside of the car windshield to the right of the state inspection sticker, unless the windshield is of such shape that necessitates the decal to be placed at the left of the state inspection sticker; provided, that the decal for a trailer or semitrailer shall be

displayed at some prominent and clearly visible place on such vehicle. Failure to display the decal as herein provided shall be considered to be a violation of this section even though the license tax has been paid.
(2-5-75, § 7)

Sec. 11-45. Duplicate decals--Sold or transferred motor vehicle.

Upon the sale or transfer of the motor vehicle for which a decal has been issued, the owner shall remove such decal. Upon application for a decal to replace one so removed, such owner shall present the original decal or enough of the mutilated decal to identify it, and a duplicate shall be issued by the treasurer for a fee of one dollar (\$1.00).

(2-5-75, § 8; P.C. Ord. No. 80-5, 7-14-80)

Sec. 11-46. Same--Lost, stolen or destroyed.

Duplicate decals to replace those lost, stolen or destroyed, shall be issued at a charge of one dollar (\$1.00) each.

(2-5-75, § 9; P.C. Ord. No. 80-5, 7-14-80)

Sec. 11-47. Proration of license tax.

All motor vehicles licenses issued by the treasurer after the expiration of one-half (1/2) of the license period provided herein; to wit, any such license issued on or after the fifteenth day of October of each year, shall be prorated to the extent of one-half (1/2) of the license fee established herein.

(2-5-75, § 10; P.C. Ord. No. 7-89, 9-13-89; P.C. Ord. No. 94-6, 4-13-94)

Sec. 11-48. Refund of motor vehicle license tax.

The owner of any motor vehicle for which a license decal has been obtained may, at any time between April fifteenth and October fifteenth of any year, upon the filing by him of a statement with the treasurer that the motor vehicle will not be garaged, stored, or parked in the county during the remainder of the period for which the license decal was issued, irrespective of the reason therefor, and upon the surrender by him of the license decal so obtained, apply for and be entitled to a refund from the treasurer of one-half (1/2) the amount paid for such license.

(2-5-75, § 11; P.C. Ord. No. 7-89, 9-13-89; P.C. Ord. No. 94-6, 4-13-94)

Sec. 11-49. Payment of personal property tax prerequisite for licensing.

No license for a motor vehicle, trailer or semi-trailer shall be issued by the treasurer until the applicant has produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer or semitrailer to be licensed have been paid and satisfactory evidence that any delinquent motor vehicle, trailer or semi-trailer personal property taxes owing have been paid, which have been properly assessed or are assessable against the applicant by the county. In addition, no motor vehicle license shall be issued unless the tangible personal property taxes properly assessed or assessable by the county on any tangible personal property used or usable as a dwelling titled by the department of motor vehicles and owned by the taxpayer have been paid.

(2-5-75, § 12; P.C. Ord. No. 96-20, 12-18-96)

Sec. 11-50. Exemptions.

Nothing in this article shall be construed to require a license tax of a person or a vehicle exempted under the provisions of Code of Virginia, Section 46.2-755, as amended.
(2-5-75, § 13)

Sec. 11-50.1. Enforcement of article.

It shall be the duty of the sheriff to enforce the provisions of this article.

Sec. 11-51. Violations; penalties.

It shall be unlawful for any person to violate the provisions of this article. Every person who violates any provision of this article shall, upon conviction thereof, be fined twenty dollars (\$20.00).
(2-5-75, § 14; amended for recodification, 1987)

ARTICLE VII.

SNOWMOBILES

Sec. 11-52. Operation of snowmobiles.

Snowmobiles, as defined in Section 46.2-100 of the Code of Virginia, as amended, may be operated on National Forest roads normally open to the public and on unpaved roads during periods of snow or ice or at the direction of county and state law enforcement officers during an emergency. Liability insurance shall be required by the operator of any snowmobile prior to the use of a snowmobile as permitted by this article.
(P.C. Ord. No. 84-6, 11-28-84; P.C. Ord. No. 85-2, 2-27-85)

ARTICLE VIII.

STREETS AND ROADS MAINTAINED BY THE MASSANUTTEN PROPERTY OWNERS ASSOCIATION, INC.

Sec. 11-53. Designation as highways.

Pursuant to Section 46.2-1307 of the Code of Virginia, all roads and streets now or hereafter owned by Massanutten Property Owners Association, Inc. within Massanutten, Rockingham County, Virginia, are designated, for law enforcement purposes only, to be highways, as defined by Section 46.2-100 of said code. Designation of such roads as highways shall not affect their status as private roads or private streets for any other purposes including maintenance and control of access.
(P.C. Ord. No. 1-87)

Sec. 11-54. Role of county.

This article shall not be construed to impose any burden on the county or its law enforcement agencies, and more specifically the county shall have no duty to construct, upgrade or maintain the aforesaid roads and

streets described in Section 11-53.
(P.C. Ord. No. 1-87)

ARTICLE IX.

SETTING OF SPEED LIMITS WITHIN MASSANUTTEN VILLAGE, VIRGINIA

Sec. 11-55. Grant of authority.

Under authority granted by section 46.2-1300 of the Code of Virginia, the county administrator of Rockingham County is authorized to set maximum speed limits for Massanutten Drive and Del Webb Drive, within Massanutten Village, in accordance with state law and the terms of this article.
(P.C. Ord. No. 4-87, (part), 3-25-87)

Sec. 11-56. Engineering and traffic study.

MPOA, on behalf of the county, shall cause an engineering and traffic investigation of Massanutten Drive and Del Webb Drive to be conducted in accordance with sections 46.2-1300 and 46.2-870--46.2-878 of the Code of Virginia; MPOA alone shall be responsible for payment of the firm conducting the study, but the study is to be performed for the county, and the firm shall conduct the study at the direction of the county administrator.
(P.C. Ord. No. 4-87, (part), 3-25-87)

Sec. 11-57. Adoption of speed limits.

After reviewing the results of the study, the county administrator may then adopt appropriate speed limits. After MPOA posts signs designating the new speed limits, the new limits shall take effect.
(P.C. Ord. No. 4-87, (part), 3-25-87)

Sec. 11-58. Limitations.

This article shall not be construed to impose any burden on the county or its law enforcement agencies, and the county shall have no duty to construct, upgrade or maintain Massanutten Drive, Del Webb Drive, or any of MPOA's streets.
(P.C. Ord. No. 4-87, (part), 3-25-87)